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Notice of Allowability	Application No.	Applicant(s)	
	10/659,745	SPRINGSTEEN ET AL.	
	Examiner	Art Unit	
	Faye Polyzos	2884	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 23 November 2005.
2. ☒ The allowed claim(s) is/are 1,2,5,7-17 and 19-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>11/25/05</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S COMMENT AND STATEMENT OF REASONS FOR ALLOWANCE

Comment on Submissions

1. This communication is responsive to submission of 23 November 2005.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 25 November 2005 was filed after the mailing date of the Office Action on 23 August 2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Allowable Subject Matter

3. Claims 1-2, 5, 7-17 and 19-23 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Regarding independent claim 1, the prior art does not disclose or fairly suggest a reference standard for calibration of an analysis instrument, the reference standard comprising: a solid body formed of a number of solid compounds and a solid substrate, the substrate having scattering properties similar to a product to be analyzed with each analysis instrument and being spectrally neutral in a wavelength range to be used in the analysis instrument.

The examiner notes that while it is known in the art of a calibration standard for an infrared absorption gauge wherein the calibration standard comprises flat glass discs with spectrally selective absorption, wherein the flat glass discs may be coated with a coating which has a spectrally unselective absorption (See for example Edgar et al – US 4,465,929 – col. 8, lines 10-23) and spectral absorption means to reduce the signal

levels to values comparable with those that would be received from the sample in the sample zone (See for example Edgar et al – US 4,465,929 – col. 6, lines 1-12), the prior art does not fairly suggest a reference standard for calibration of an analysis instrument wherein the solid substrate has scattering properties similar to a product to be analyzed and being spectrally neutral in a wavelength range to be used in the analysis instrument and the calibration standard gives a spectral response that initiates the intensity at each wavelength.

Regarding independent claim 21, the prior art does not disclose or fairly suggest a reference standard for calibration of an analysis instrument, the reference standard comprising: a solid body formed of a number of solid compounds and a solid substrate, the substrate having scattering properties similar to a product to be analyzed with each analysis instrument and being spectrally neutral in a wavelength range to be used in the analysis instrument.

The examiner notes that while it is known in the art of a calibration standard for an infrared absorption gauge wherein the calibration standard comprises flat glass discs with spectrally selective absorption, wherein the flat glass discs may be coated with a coating which has a spectrally unselective absorption (See for example Edgar et al – US 4,465,929 – col. 8, lines 10-23) and spectral absorption means to reduce the signal levels to values comparable with those that would be received from the sample in the sample zone (See for example Edgar et al – US 4,465,929 – col. 6, lines 1-12) and wherein the substrate is a fluorinated substrate (See for example Noblett et al – US 6,471,916 B1 – See Abstract), the prior art does not fairly suggest a reference standard

for calibration of an analysis instrument wherein the solid substrate has scattering properties similar to a product to be analyzed and being spectrally neutral in a wavelength range to be used in the analysis instrument and the calibration standard gives a spectral response that initiates the intensity at each wavelength.

Regarding independent claim 22, the prior art does not disclose or fairly suggest a method for calibration of an analysis instrument, the method comprising the spectral response of a reference standard comprising a solid body, which with respect to intensity, wavelength and scattering properties imitates the spectral response of a product to be analyzed with the analysis instrument and calibrating the analysis instrument to the result of the evaluation wherein the evaluation comprises comparing the spectral response from the analysis instrument with the spectral response in factor space.

The examiner notes that while it is known in the art of a calibration standard for an infrared absorption gauge wherein the calibration standard comprises flat glass discs with spectrally selective absorption, wherein the flat glass discs may be coated with a coating which has a spectrally unselective absorption (See for example Edgar et al – US 4,465,929 – col. 8, lines 10-23) and spectral absorption means to reduce the signal levels to values comparable with those that would be received from the sample in the sample zone (See for example Edgar et al – US 4,465,929 – col. 6, lines 1-12), the prior art does not fairly suggest a method on reference standard for calibration of an analysis instrument wherein the solid substrate has scattering properties similar to a product to be analyzed and being spectrally neutral in a wavelength range to be used in the

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analysis instrument and the calibration standard gives a spectral response that initiates the intensity at each wavelength or comparing spectral response from the analysis instrument with the expected spectral response in factor space.

The remaining claims 2, 5-17, 19-20 and 23 are allowable based on their dependency.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Polyzos whose telephone number is 571-272-2447. The examiner can normally be reached on Monday thru Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP



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